



Filed Electronically_____

Entered on Docket
January 11, 2010

A handwritten signature in cursive script, appearing to read "Bruce A. Markell".

Hon. Bruce A. Markell
United States Bankruptcy Judge

WILDE & ASSOCIATES
Gregory L. Wilde, Esq.
Nevada Bar No. 004417
208 South Jones Boulevard
Las Vegas, Nevada 89107
Telephone: 702 258-8200
Fax: 702 258-8787
bk@wildelaw.com

and

MARK S. BOSCO, ESQ.
Arizona Bar No. 010167
TIFFANY & BOSCO, P.A.
2525 East Camelback Road, Suite 300
Phoenix, Arizona 85016
Telephone: (602) 255-6000
The Bank of New York Mellon, fka The Bank of New York as Successor in interest to JPMorgan Chase
Bank, NA as Trustee for Structured Asset Mortgage Investments II Inc. Bear Stearns ALT-A Trust
2005-3, Mortgage Pass-Through Certificates, Series 2005-3
09-74450 / 1218059141

UNITED STATES BANKRUPTCY COURT
SOUHERN DISTRICT OF NEVADA

In Re:

Danny D. Simpkins, Jr.

Debtors.

09-20846-bam

Motion no.
Date:
Time:

Chapter 13

ORDER VACATING AUTOMATIC STAY

Pursuant to the Declaration re Breach of Condition filed on December 2, 2009 and Debtors failure to cure the default prior to its expiration, and good cause appearing.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the above-entitled bankruptcy proceeding is immediately vacated and extinguished for all purposes as to Secured Creditor, The Bank of New York Mellon, fka The Bank of New York as Successor in interest to JPMorgan Chase Bank, NA as Trustee for Structured Asset Mortgage Investments II Inc. Bear Stearns ALT-A Trust 2005-3, Mortgage Pass-Through Certificates, Series 2005-3 its assignees and/or successors in interest, and Secured Creditor may proceed with a foreclosure of and hold a Trustee's Sale of the subject property, generally described as 1549 Silver Falls Ave. , Las Vegas NV and legally described as follows:

Lot One Hundred Seventy-six (176) in Block Four (4) of SILVERADO TRAILS· UNIT I, as shown by map thereof on file in Book 72 of Plats, Page 71 in the Office of the County Recorder of Clark County, Nevada

pursuant to applicable State Laws, and thereafter commence any action necessary to obtain complete possession of the subject property.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give Debtors at least five business days' notice of the time, place and date of sale.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Secured Creditor hereby
2 withdraws its secured Proof of Claim filed in this matter. The Secured Creditor shall notify the Trustee
3 of the completion of the foreclosure sale. If applicable, Secured Creditor may thereafter amend its
4 secured Proof of Claim to an unsecured Proof of Claim no later than forty-five (45) days after the
5 foreclosure sale.

6 DATED this 6th day of January, 2010.
7

8 Submitted by:
9 Wilde & Associates

10 By /S/GREGORY L. WILDE
11 **GREGORY L. WILDE, ESQ.**
12 Attorney for Secured Creditor
13 208 South Jones Boulevard
14 Las Vegas, Nevada 89107
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